

# EXHIBIT 43

## Message

**From:** Busch, Stephen (DEQ) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FD27547C9C1A403A86507DC7F5702EBA-BUSCH STEPHEN]  
**Sent:** 2/27/2015 1:48:01 PM  
**To:** Crooks, Jennifer [crooks.jennifer@epa.gov]; Deltoral, Miguel [deltoral.miguel@epa.gov]  
**CC:** Rosenthal, Adam (DEQ) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fd8a68b2ca8b48ca9daef33d204269c0-Rosenthal Adam]; Poy, Thomas [poy.thomas@epa.gov]; Porter, Andrea [porter.andrea@epa.gov]; Prysby, Mike (DEQ) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5db07892eaa740c09adbb62a79add8f4-Prysby Mike]; Benzie, Richard (DEQ) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ec5ca50fffe4e9392405565b506bc37-Benzie Richard]; Shekter Smith, Liane (DEQ) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8157efaafd2404899c8ad3a4197c53a-Shekter Smith Liane]  
**Subject:** RE: HIGH LEAD: FLINT Water testing Results

Miguel and Jennifer,

Thank you for this information, we will take it under consideration.

The City of Flint:

- Has a 90<sup>th</sup> percentile lead level of 6.0 ppb based on 100 samples collected in its most recent monitoring period of 7/1/2014 – 12/31/2014, with 2 samples (23 & 37 ppb) over the AL.
- Has a 90<sup>th</sup> percentile copper level of 110 ppb based on 100 samples collected in its most recent monitoring period of 7/1/2014 – 12/31/2014, with no samples over the Cu AL.
- Has an Optimized Corrosion Control Program
- Conducts quarterly Water Quality Parameter monitoring at 25 sites and has not had any unusual results.
- Has never had a 90<sup>th</sup> percentile lead AL exceedance
- Continues to meet all applicable plant tap standards and treatment technique requirements at its WTP
- Has developed and implemented an Operational Evaluation of its treatment and distribution systems, and continues to adjust and update this OE based on updated quarterly results

My understanding from Ben Grumbles and the LCR Short Term Revisions is that "EPA regulations require water systems to develop a targeted sampling pool, focused on those sites with the greatest risk of lead leaching. All compliance samples used to determine the 90<sup>th</sup> percentile must come from that sampling pool." [40 CFR 141.80(c)(1)], 56 Fed Reg.

26518 (June, 7, 1991), [40CFR 141.90(a)(1)(v), and 40 CFR 141.90(h)(2)]. Our office continues to work with our community water systems to follow these and all other requirements of the current lead and copper regulations.

[PHI] the site in question, is not part of the City's established sample site pool. The residence consists of PVC plumbing materials, and has an iron pre-filter at the service connection.

Regarding TTHM, the most recent quarter monitoring from February 2015 was issued today by the lab.

While 2 of the 8 DBP compliance sites continue to have an LRAA that exceeds the standard, quarterly results at all 8 DBP compliance sites were below less than half the standard level of 80 ppb, the highest being 28.5 ppb. Only one site now has an OEL over 80 ppb, at 85 ppb.

Stephen Busch, P.E.

Lansing and Jackson District Supervisor

Office of Drinking Water and Municipal Assistance

MDEQ

517-643-2314

**From:** Crooks, Jennifer [mailto:crooks.jennifer@epa.gov]

**Sent:** Friday, February 27, 2015 11:05 AM

**To:** Deltoral, Miguel; Prysby, Mike (DEQ)

**Cc:** Busch, Stephen (DEQ); Rosenthal, Adam (DEQ); Poy, Thomas; Porter, Andrea

**Subject:** Re: HIGH LEAD: FLINT Water testing Results

Hi, Steve and Mike. I talked with Miguel, and he said if you all would be interested in getting input from our expert, Mike Schock at EPA Cincinnati Research, on the Flint distribution system issues and dealing with lead and DBP's together, you should contact Mike directly--here is his information.

[schock.michael@epa.gov](mailto:schock.michael@epa.gov)

(513) 569-7412

Jennifer

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**From:** Deltoral, Miguel

**Sent:** Friday, February 27, 2015 4:58 AM

**To:** Crooks, Jennifer; Prysby, Mike (DEQ)

**Cc:** Busch, Stephen (DEQ); Rosenthal, Adam (DEQ); Poy, Thomas; Schock, Michael; Porter, Andrea

**Subject:** Re: HIGH LEAD: FLINT Water testing Results

Jen/all - I think things got garbled in translation...

What I was saying is that where you find Pb values that high, it is usually due to particulate lead. Not always, but generally. Particulate lead is released sporadically from lead service lines, leaded solder and leaded brass in a number of ways and folks tend to discount these values as anomalies, but particulate lead release is a normal part of the corrosion process and it is universal (common) in all systems. It's just that it is not captured as often by the infrequent LCR sampling. If systems are pre-flushing the tap the night before collecting LCR compliance samples (MDEQ still provides these instructions to public water systems) this clears particulate lead out of the plumbing and biases the results low by eliminating the highest lead values. If systems are pre-flushing and still finding particulate lead, the amount of particulate lead in the system can be higher than what is being detected using these 'pre-flushed' first-draw samples. My point on that was that people are exposed to the particulate lead on a daily basis, but the particulate lead is being flushed away before collecting compliance samples which provides false assurance to residents about the true lead levels in the water.

Some quick notes on particulate lead release:

- Fe/Mn can transport lead from the lead service lines into the home. The lead sorbs onto the Fe/Mn particles. In GW systems, Fe/Mn can come from the source water and more Fe from the water mains. In SW systems, the Fe typically is released from the water mains.
- Lead released from lead service lines can also 'seed' galvanized iron pipes inside the homes. Again, the lead sorbs onto the iron on the pipes and be released sporadically. Generally, the higher the flow, the more Fe and Fe+Pb particulate you will likely get.
- If there is a partial lead service line (lead connected to copper) you can get additional lead release due to galvanic corrosion.
- Leaded brasses and solder can also release particulate lead under certain circumstances.
- The particulate can contain very high concentrations of lead (hundreds to thousands of ppb Pb) which is a much higher concentration than lead paint, so even small particles can result in high lead values.
- If the lead service line was disturbed (water main repair/replacement, meter installation repair/replacement, service line leak repairs, etc.) you can have VERY high lead levels in the scale and sediment that is dislodged from the inside of lead service lines. Here in Chicago, during a partial lead service line replacement, we collected the scale and sediment that came into the home and we found 300,000+ ug/L lead in the scale; 125,000 ug/L Pb in the sediment. Very dangerous.
- Higher levels of PO4 (3-4 mg/L Ortho) seem to reduce the amount of particulate Pb that is released in the absence of physical disturbances to the lead lines. Doesn't stop it entirely, but should generally reduce the

occurrence. Caveat – Other water quality issues can change the chemical complexes that form on the pipe, so cleaner sources with more consistent WQ form more predictable scale complexes.

If I remember correctly, Detroit is feeding PO4 for the LCR, but since Flint is no longer part of that interconnection, I was wondering what their OCCT was. They are required to have OCCT in place which is why I was asking what they were using.

Mike Schock is our resident expert and may be able to help out with the simultaneous compliance (Pb & DBPs) so I would suggest that folks give him a call.

Miguel A. Del Toral

Regulations Manager  
U.S. EPA R5 GWDWB  
77 West Jackson Blvd, (WG-15J)  
Chicago, IL 60604  
Phone: (312) 886-5253

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**From:** Crooks, Jennifer  
**Sent:** Thursday, February 26, 2015 04:15 PM  
**To:** Prysby, Mike (DEQ)  
**Cc:** Busch, Stephen (DEQ); Rosenthal, Adam (DEQ); Deltoral, Miguel; Poy, Thomas  
**Subject:** HIGH LEAD: FLINT Water testing Results

Thank you, Mike. These results are dated 2/18/15, so they're probably different results than the results Adam had, but they still have to be included in with compliance calculation of the 90<sup>th</sup> percentile. What dates are the earlier compliance samples?

Yes, the stagnation of the water would increase the lead levels, and I'm glad you're following up with the City to get the lead levels reduced for [REDACTED] home—which will hopefully be effective for her neighbors because they are also most likely being exposed to these high lead levels. Miguel reminded me this morning, there are no safe levels of lead in drinking water.

I talked with Miguel Del Toral about his knowledge on research on lead. He said that high levels of iron, usually bring high levels of lead. The large amount of black sediment at [REDACTED] home, is most likely particulate lead, Miguel

said, where the lead actually bonds to the iron sediment. While the particulates of lead/iron are small, they're very highly concentrated with lead—up to 95% lead.

Miguel was wondering if Flint is feeding Phosphates. Flint must have Optimal Corrosion Control Treatment—is it Phosphates? Or is it pH/Alkalinity Adjustment? The reason he asks, is because systems using the pH/Alkalinity adjustment have problems with lead levels in the 100's or higher—and they have problems with random lead particulate matter in the distribution system. Miguel said that we all know that flushing regularly helps reduce the lead concentrations, but not immediately. The City can't just flush in advance of taking the compliance samples, they have to flush the lines on a regular schedule.

The problem with high lead issues, is that the water has so many different variables, that it's hard to pinpoint what is causing what problem where. From a public health perspective, can we assume that the high lead levels in PHI neighborhood are isolated to just her area? Or are they more widespread?

Please feel free to contact Miguel directly—312-886-5253; [Deltoral.miguel@epa.gov](mailto:Deltoral.miguel@epa.gov).

Jennifer

**From:** Prysby, Mike (DEQ) [<mailto:PRYSBYM@michigan.gov>]  
**Sent:** Thursday, February 26, 2015 10:25 AM  
**To:** Crooks, Jennifer  
**Cc:** Busch, Stephen (DEQ); Rosenthal, Adam (DEQ)  
**Subject:** RE: HIGH LEAD: FLINT Water testing Results

Jennifer,

I recall Adam showing me a high lead/copper sample result (perhaps it was this one)...as part of the city's routine lead-copper monitoring. If so, it was a stagnated sample as part of the sampling protocol. Adam mentioned that all other samples were below the AL...and the city will not exceed the lead AL. I will confirm this. The city; however, needs to take further action to help address PHI concern. The type of plumbing needs to be identified and sample tap location within the premise plumbing. They should offer to re-sample for PB after

flushing the tap to demonstrate that flushing the tap will reduce the lead concentration. The city also needs to provide other lead-reduction strategies to [REDACTED] PHI [REDACTED]

Michael Prysby, P.E.

District Engineer

Office of Drinking Water and Municipal Assistance

517 290-8817

**From:** Crooks, Jennifer [<mailto:crooks.jennifer@epa.gov>]

**Sent:** Thursday, February 26, 2015 10:53 AM

**To:** Busch, Stephen (DEQ); Prysby, Mike (DEQ)

**Cc:** Poy, Thomas; Deltoral, Miguel

**Subject:** HIGH LEAD: FLINT Water testing Results

Hi, Steve and Mike. Thanks for talking with me yesterday, Steve, about the most recent TTHM results. We'll look forward to receiving them whenever you get them back from the lab.

However, the main purpose of my email is to alert you to the high lead levels reported to a citizen yesterday by Flint Water Dept. I have been discussing the water situation with [REDACTED] PHI [REDACTED] since January, and she has been talking with Mike Glasgow at the plant about the black sediment in her water. (HUGE KUDOs to MIKE!!) He did test it to find that the iron levels were greater than his test would go; GT 3.3. But, because the iron levels were so high, he suggested testing for lead and copper. WOW!!!! Did he find the LEAD! **104 ppb**. She has 2 children under the age of 3... Big worries here.

So, Steve, this goes back to what you and I were talking about yesterday. That the different chemistry water is leaching out contaminants from the insides of the biofilms inside the pipes. I think Lead is a good indication that other contaminants are also present in the tap water, that obviously were not present in the compliance samples taken at the plant. VOC/SOC and inorganics/metals would be good samples to start with to take at the tap. And since [REDACTED] PHI [REDACTED] drinking water is showing the high lead levels, her tap water would be a good place to start, I think.

We also talked about Dr. Joan Rose from Michigan State being on the Flint Tech Advisory Committee—you also mentioned that someone from the Dept of Community Health was on the Committee. I'm thinking that Dr. Rose would want to dive further into this, since there's actual evidence that the water is leaching contaminants from the biofilms; or Dept of Community Health would want to get involved and look at this from an epidemiological perspective. (She and her family are also exhibiting the rashes when exposed to the water, and her daughter's hair is falling out in clumps.)

Maybe MSU could authorize the payment of the analyses for these samples? Or Dept of Community Health?

The citizen's name is:

PHI

PHI

Flint, MI 48507

PPI

PHI

Jennifer

From: PHI

Sent: Thursday, February 26, 2015 9:08 AM

To: Crooks, Jennifer

Subject: Fwd: Re: Water testing Results

----- Forwarded message -----

From: "Michael Glasgow" <mglasgow@cityofflint.com>

Date: Feb 26, 2015 7:55 AM

Subject: Re: Water testing Results

To: PHI

Cc:

PHI



Here are your Lead & Copper Results. This number is very high, 104 ppb of lead. In the last few months over 100 samples have been tested and only 2 were over the 15 ppb regulatory limit, and the highest level I have seen is 37 ppb. I will pass this info to Mr. Croft so he is aware. I will send the sample I collected from your kitchen faucet today for a complete metals test (12 different metals), to see what the level is without letting the water stagnate over night. I'm hoping that value will be much, but we will have to see. Sorry for this news, but I wanted to let you know right away.

Mike

On Tue, Feb 24, 2015 at 1:50 PM, Michael Glasgow <[mglasgow@cityofflint.com](mailto:mglasgow@cityofflint.com)> wrote:

PHI

I will bring a copy of last years annual report when I stop by tomorrow. The annual report from 2014 must be delivered to residents by July 1st of this year. I imagine we may have it complete by June.

Mike

On Fri, Feb 20, 2015 at 1:00 AM, PHI wrote:

Mike,

Thank you for the water reports and we already planned to see you on the 25th at 10:00am. I was wondering if you know who I need to talk to in the water plant to obtain the Annual Drinking Water Report from last year. According to the EPA website there is link to access but when you click on it, it cannot be accessed. Was also curious if there is an expected time frame for this years report due to the switch. If you can be of any assistance I would appreciate it.

Thank You

PHI

On Thu, Feb 19, 2015 at 12:47 PM, Michael Glasgow <[mglasgow@cityofflint.com](mailto:mglasgow@cityofflint.com)> wrote:

PHI

Here is a list of test results from water sampled at your home over the last 2 weeks. I have sent in your lead and copper sample, and also a sample from the toilet tank for manganese. I should hopefully have results from this testing early next week. I'll plan on stopping over on Wednesday (the 25th) around 10 am again to give you these results & sample again.

Mike